



PLANNING BOARD MINUTES  
11/01/2021 5:30 PM  
CONTINUATION OF 10/27/2021 MEETING  
VIA ZOOM WITH  
MEETING ID 899-857-7726 PASSWORD: TREMONT

1       **CALL TO ORDER**

Planning Board Chair Mark Good called the November 1, 2021 meeting to order at 5:33 pm.

2       **ROLL CALL**

Present were Mark Good (Chair), Lawson Wulsin (Vice Chair) and Planning Board Members; Beth Gott and Brett Witham.

Also present were: Town Manager/Code Enforcement Officer/LPI Jesse Dunbar, Attorney Diane O'Connell, Select board Chair Jamie Thurlow, Board of Appeals Member Marcia Madeira, Emergency Preparedness Director Keith Higgins, Members of the Public and Press, and Recording Secretary Jan Sprague.

3       A.       **EXCUSED ABSENCES**

**MOTION** by Planning Board Vice Chair Lawson Wulsin to excuse Planning Board Member Geoff Young, seconded by Planning Member Brett Witham.  
The motion passed unanimously.

B.       **UNEXCUSED ABSENCES**  
**NONE**

4       **ADJUSTMENT / ADOPTION OF THE AGENDA**  
**NONE**

Planning Board Member Beth Gott recused from meeting due to a recognized conflict of interest.

5       **OLD BUSINESS: CONTINUED FROM OCTOBER 27,2021 MEETING**  
**PLANNING BOARD APPLICATION/SITE PLAN REVIEW: ACADIA WILDERNESS LODGE**  
**CAMPGROUND**  
**PERRY LAWSON LLC, JAMES & KENYA HOPKINS**  
**661 TREMONT ROAD TAX MAP 005 LOT 100, RESIDENTIAL BUSINESS ZONE**  
**FINDINGS OF FACT – FINAL REVIEW**



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**MOTION** by Mr. Wulsin to approve the TREMONT SITE PLAN REVIEW ORDINANCE FINDINGS OF FACT, ARTICLE 1X (A)-(U), ACADIA WILDERNESS LODGE CAMPGROUND PERRY LAWSON LLC, JAMES & KENYA HOPKINS 661 TREMONT ROAD TAX MAP 005 LOT 100, RESIDENTIAL BUSINESS ZONE. Second by Mr. Witham. Motion passed 3-0

**TREMONT LAND USE ORDINANCE FINDINGS OF FACT  
ARTICLE VI PERFORMANCE STANDARDS**

- A. **MOTION** by Mr. Witham to find Article VI. A. Buffering Standards, met based on the fact the applicant has demonstrated through a combination of natural features such as; topography, stands of trees, shrubbery and rocks, and earthen berm and fence, that they have demonstrated a complete visual screening of the activity of the lot, including also the softened lights, reduced noise, preserved privacy consistent with the definition of visual buffering and also Article VI Section A, as noted and described in the Applicant's application, pages 201 and 202, and on sheet C-1. Second by Mr. Wulsin. Motion passed 3-0
- B. **MOTION** by Mr. Wulsin to find Article VI.B. Clearing or Removal of Vegetation for Activities other than Timber Harvesting, is not applicable because the site is not in a resource protection zone, or a shore land zone, and there are no legally existing non-conforming openings or fields, or other cleared openings that apply to this project. Second by Mr. Witham. Motion passed 3-0
- C. **MOTION** by Mr. Wulsin to find Article VI.C. Cluster Development Standards, is not applicable because there are no cluster dwelling units proposed. Second by Mr. Good. Motion passed 3-0
- D. **MOTION** by Mr. Wulsin to find the requirement of Article VI.D. met for Erosion and Sediment Controls per the Soil, Erosion, Sedimentation Control Plan and subsequent specifications submitted on page 140 and the following pages in the application. Second by Mr. Witham. Motion passed 3-0
- E. **MOTION** by Mr. Wulsin to find the applicant has met the requirements of Performance Standard Article VI.E. Fill and Excavation Standards, as illustrated on the storm water management and grading plan, C-239. All earth moving is associated with campground use and no slopes are greater than 2-1, and I'll point out that the maximum slope is actually 3-1 as designed. All surfaces are permanently stabilized with landscaping and vegetation. Second by Mr. Witham. Motion passed 3-0



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- F. **MOTION** by Mr. Wulsin to find the Applicant will have met the condition Article VI. F. Fire Protection Standards, once they receive and submit the permit from the State Fire Marshalls office to the Code Enforcement Officer, Town Office, prior to receiving a building permit. Second by Mr. Witham. Motion passed 3-0
- G. **MOTION** by Mr. Witham that Flood Hazard Area Standards, Article VI.G. are not applicable to this project because the site does not contain flood hazard area zones. Second by Mr. Wulsin. Motion passed 3-0
- H. **MOTION** by Mr. Witham that Article VI.H. Parking Standards, is met in large part by the discussion we had with respect to the Site Plan Review and the findings of fact there, but in particular to the Applicant's application on page 60 where there's a table and if you look down through that table they've also ticked off for example is you look at hotels, cabins, cottages, etc., or restaurants they've met the requirements in the Land Use Ordinance in addition to the requirements in Site Plan Review, with the condition related to diagonal parking with respect to the findings in the Site Plan Review. Second by Mr. Wulsin. Motion passed 3-0
- I. **MOTION** by Mr. Wulsin to find Article VI.I., Roads, Driveways and Driveway Opening Standards has been met because the road as designed meets the design standards (1-8). There is no great pond or other water body so Paragraph 3 is not applicable. Paragraph 4 is not applicable because there are no existing roads within this site. Paragraph 5 is applicable in that the only part of the road that gets closer than 6 feet to a side property line is the driveway that's serving an adjacent site. In the paragraph 6, the Applicant is required to obtain a Highway Entrance and Road Opening permit from MDOT as they've submitted in their application and it has been obtained. Paragraph 7, the road and driveway banks have a maximum slope of 3-1. Paragraph 8, the surface drainage is vegetated where needed. Paragraph 9 is addressed as the only ditch on the design is less than 100 feet. It will be maintained per paragraph 10. Paragraph 11 is not applicable because it is not a resource protection zone. Paragraph 12, the road weight limit will be limited to 23,000 pounds when posted by the town. Second by Mr. Witham. Motion passed 3-0.



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- J. **MOTION** by Mr. Wulsin that has met the condition for Article VI.J. Septic Waste Disposal Standards due to the fact any septic design will meet the State of Maine Subsurface Wastewater disposal rules as submitted by Moise Environmental Services located on page 162 of the application. Second by Mr. Witham. Motion passed 3-0.
- K. **MOTION** by Mr. Wulsin that Article VI.K. Sign Standards has been met because the (3) signs are not greater than 24 square feet, do not extend higher than 20 feet above the ground, in fact they are listed as being a maximum of six feet off the ground, the signs will be illuminated by lights that are shielded and down pointing only. Sign number 2 is double sided and still conforms there, and on the condition that they receive a sign permit from the town. Second by Mr. Witham. Motion passed 3-0
- L. **MOTION** by Mr. Witham to find Article VI.L. Soil Standards has been met in that the application page 209-218 in the report submitted by the Applicant demonstrates that the site and the soils and the proposed use of the structures can be maintained without causing adverse environmental impacts. (Report provided by Moise Environmental Services). Second by Mr. Wulsin. Motion passed 3-0
- M. **MOTION** by Mr. Wulsin that the Applicant will have met the requirements of Article VI.M. Storm Water Run Off Standards upon receipt of the full permit obtained from the DEP prior to construction according to the Storm water Management Law 420-D as well as the Maine Construction General Permit. Second by Mr. Witham. Motion passed 3-0.
- N. **MOTION** by Mr. Wulsin that Article VI.N. Water Quality Protection Standards are not applicable because for Paragraph 1 there are not waters of the State that have designated uses or water classifications that need to be protected. Paragraph 2, the site is not in, on, or over any freshwater or coastal wetlands, great pond, river, or stream, or adjacent to those things. Second by Mr. Witham. Motion passed 3-0.
- O. **MOTION** by Mr. Wulsin that Article VI.O. Lake Watershed Phosphorus Protection is not applicable because the site is in neither the Seal Cove or Hodgdon Pond watersheds. Second by Mr. Witham. Motion passed 3-0.



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- P. **MOTION** by Mr. Wulsin that the Applicant meets the condition Article VI.P. Lighting-Outdoor by utilizing dark sky compliant fixtures that have full cut off for all fixtures that are brighter than 1800 lumens. The lights are shielded and located to address public safety concerns while minimizing light trespass onto adjacent properties. Second by Mr. Witham. Motion passed 3-0
- Q. **MOTION** by Mr. Wulsin that Article VI.Q. Blasting, is not applicable because the Applicant has not proposed any blasting as part of this project, and furthermore any blasting that occurs will require the relevant permitting. Second by Mr. Witham. Motion passed 3-0.
- R. **MOTION** by Mr. Wulsin that Article VI.R. Temporary Sale of Food or Merchandise, is not applicable because there are no merchandise or temporary food vendors. Second by Mr. Witham. Motion passed 3-0.

**MOTION** by Mr. Wulsin to approve the TREMONT LAND USE ORDINANCE FINDINGS OF FACT ARTICLE VI (A)-(R) PERFORMANCE STANDARDS, ACADIA WILDERNESS LODGE CAMPGROUND PERRY LAWSON LLC, JAMES & KENYA HOPKINS 661 TREMONT ROAD TAX MAP 005 LOT 100, RESIDENTIAL BUSINESS ZONE. Second by Mr. Witham. Motion passed 3-0

**TREMONT LAND USE ORDINANCE**  
**ARTICLE IV (B) (1) STANDARDS FOR THE ZONE**

- (1) (a) **MOTION** by Mr. Wulsin that the Applicant has met the Land Use Standards which is that all uses are permitted subject to the lot, structure, and performance standards. Second by Mr. Witham. Motion passed 3-0
- (2) (a) **MOTION** by Mr. Wulsin that the applicant has met the requirements for Lot Standards as listed in Section V. D. 1 for Campgrounds, and meets the minimum lot area requirements and that residential dwelling unit requirements are not applicable. Second by Mr. Witham. Motion Passed 3-0.
- (c) (2) **MOTION** by Mr. Wulsin that the applicant has met the requirement for Structure Standards, and
- (3) (4) specifically the setback to lot lines are greater than 15 feet, and the setbacks between non-residential principal and accessory structures aren't greater than 25 feet, maximum height is less than 40 feet, Lot coverage is less than 25% maximum and that buildings do not exceed 5,000 sq feet. Second by Mr. Witham. Motion passed 3-0.



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- (d) **MOTION** by Mr. Wulsin that the requirement for Conversion Standards are not applicable because the existing structure meets the lot line setbacks. Second by Mr. Witham. Motion passed 3-0

**MOTION** by Mr. Wulsin that ACADIA WILDERNESS LODGE CAMPGROUND PERRY LAWSON LLC, JAMES & KENYA HOPKINS 661 TREMONT ROAD TAX MAP 005 LOT 100, RESIDENTIAL BUSINESS ZONE, has met the TREMONT LAND USE ORDINANCE ARTICLE IV (B) (1) STANDARDS FOR THE ZONE B. RESIDENTIAL BUSINESS ZONE. Second by Mr. Witham. Motion passed 3-0

**TREMONT LAND USE ORDINANCE**  
**ARTICLE VIII (E) (1), PERMIT APPLICATION AND REVIEW PROCEDURE**

- (a) **MOTION** by Mr. Witham that the Applicant has met the Standard as the application of the project will maintain Safe and Healthful Conditions. Second by Mr. Wulsin. Motion failed 0-3.

**MOTION** by Mr. Witham that the applicant has met the requirement that the use as proposed will Maintain Safe and Healthful Conditions by minimizing environmental impacts, through avoiding excavation, through the erosion control plan that was submitted, the storm water management plan, the lighting plan which includes dark sky compliance, the septic treatment system which includes pre-treatment, the pedestrian circulation parking layout internal vehicle circulation as set forth in the application. Second by Mr. Wulsin. Motion passed 3-0.

- (b.) **MOTION** by Mr. Wulsin that this requirement has been met as demonstrated use will not result in water pollution, erosion, or sedimentation to surface waters as demonstrated by the Soil Erosion Sedimentation Control Plan submitted on page 140 and the preliminary Site Evaluation Report submitted on page 162. Second by Mr. Witham. Motion passed 3-0.
- (c.) **MOTION** by Mr. Wulsin that the Applicant has met the requirement and the proposed use will adequately provide for the disposal of all wastewater as demonstrated in the Moise Environmental letter Site Evaluation Report submitted on page 162. Second by Mr. Witham. Motion passed 3-0.



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- (d.) **MOTION** by Mr. Wulsin that this requirement is met because the proposed use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife, as submitted in the Natural Features Report on page 167, and backed up with a letter from The Fish and Wildlife Service. Second by Mr. Witham. Motion passed 3-0.
- (e.) **MOTION** by Mr. Wulsin that requirement (E.1.e.) is not applicable because this project is not on the shore , does not apply. Second by Mr. Witham. Motion passed 3-0.
- (f.) **MOTION** by Mr. Wulsin that (E.1.f.) requirement is not applicable because no portion of this project has been identified as containing historic or archeological resources. Second by Mr. Witham. Motion passed 3-0.
- (g.) **MOTION** by Mr. Wulsin that requirement (E.1.g) is not applicable because this project is not in the Commercial Fisheries / Maritime Activities Zone. Second by Mr. Good. Motion passed 3-0.
- (h.) **MOTION** by Mr. Wulsin that requirement (E.1.h) is not applicable because no portion of this project is located within a FEMA identified 100 year Floodplain zone. Second by Mr. Witham. Motion passed 3-0.

**MOTION** by Mr. Wulsin that the TREMONT LAND USE ORDINANCE ARTICLE VIII (E) (1) PERMIT APPLICATION AND REVIEW CRITERIA, ACADIA WILDERNESS LODGE CAMPGROUND PERRY LAWSON LLC, JAMES & KENYA HOPKINS 661 TREMONT ROAD TAX MAP 005 LOT 100, RESIDENTIAL BUSINESS ZONE has been met. Second by Mr. Witham. Motion passed 3-0

**MOTION** by Mr. Wulsin to authorize Chairman Good to sign the FINDINGS OF FACT, ACADIA WILDERNESS LODGE CAMPGROUND PERRY LAWSON LLC, JAMES & KENYA HOPKINS 661 TREMONT ROAD TAX MAP 005 LOT 100, RESIDENTIAL BUSINESS ZONE, today, November 1st, 2021 and deliver them to the Town Office tomorrow/at his convenience. Second by Mr. Witham. Motion passed 2-0-1. The motion passed with Mr. Wulsin and Mr. Witham in favor. Mr. Good abstained from the vote.



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**MOTION** by Mr. Wulsin to approve the application for ACADIA WILDERNESS LODGE CAMPGROUND PERRY LAWSON LLC, JAMES & KENYA HOPKINS 661 TREMONT ROAD TAX MAP 005 LOT 100, RESIDENTIAL BUSINESS ZONE with fifteen (15) conditions as listed in the Final Decision Document. Second by Mr. Witham. Motion passed 3-0.

CONDITIONS OF APPROVAL

**The approval in the Decision and findings of the Board are conditioned upon the following:**

1. Prior to obtaining a Certificate of Occupancy, AWL shall obtain approvals from any other permitting authorities that may be required.
2. The approximately 20 acres of land to the north of AWL will be maintained as undeveloped open space for a minimum of five years. At no point in time will AWL ever expand the campground development into this reserved land (20 +/- acre parcel). AWL shall provide a survey of and flag/sign the internal boundary between the campground and the retained undeveloped open space so that there is no campground use of the reserved land.
3. The maximum occupancy of the AWL campground shall be limited to 160 guests.
4. The AWL onsite café, fitness studio, dog park, and pool campground amenities will be open only when the campground is open and not open to the public. Unless the condition is modified by the Board, these facilities will not be open to the public and will not be open when the campground is not operational.
5. Given that the AWL campground utilizes some diagonal parking, AWL shall indicate and maintain by permanent markings, the direction of proper traffic flow in and around such parking.





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6. AWL must meet all State standards as part of review of final design of any and all engineered wastewater systems for the campground and must demonstrate to the Code Enforcement Officer (who, if satisfied, will recommend and file with the Planning Board) the demonstration that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine, including by conducting a State approved form of nitrogen-nitrate analysis at the property line.
7. AWL must submit plans for the general store and exercise building to the State Fire Marshal's Office ("SFMO") for a Construction and Barrier Free Permit from the SFMO and must provide that SFMO permit to the Town before requesting a building permit from the Town.
8. AWL shall secure a Storm water Management and a Construction General Permit from the Maine DEP, as necessary, prior to construction.
9. The Site Plan together with the survey of the reserved land approved by the Planning Board shall be submitted to the Maine DEP to determine if SLODA review is required.
10. No microwaves, hot plates or other cooking devises shall be contained in the tents and yurts.
11. No RVs and no generators to be used at the campground. Only smokeless fire units are to be used at the campground.
12. The operational limits on page 15 of the Application shall be applied and enforced by AWL.
13. ATVs for maintenance and employee use only.
14. The Applicant shall schedule with the Code Enforcement Officer monthly inspections during the pendency of the construction.
15. Advanced pre-treatment of septic effluent will occur.



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6 **CEO ISSUES: NONE**

7 **OTHER:  
NONE**

Planning Board Member Beth Gott rejoined the meeting at 11:17 pm.

8 **ADJOURN**

**MOTION** by Planning Board Member Beth Gott to adjourn the meeting, seconded by Planning Board Vice Chair Lawson Wulsin.

The motion passed unanimously.

The meeting of November 1, 2021 was adjourned at 11:18 pm.

Respectfully Submitted,  
*Jan Sprague*  
Recording Secretary

*Signed as approved:*

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Mark Good, Chair  
Planning Board, Town of Tremont

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Date